IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 520 OF 2006

1. M/s. ITI Consulting Engineers & Anr.] .. Petitioners

Versus

1. Municipal Corpn. of Gr. Mumbai & ors] .. Respondents

Ms. A.S. Kaushik for the petitioners.

Mr. M.D. Siodia with Mrs. S. Ajit Kumar for the respondents No.1 and 2.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA, JJ.

DATED: 27TH MARCH, 2006

P.C. :

. Rule. Heard forthwith.

2. A show cause notice was issued to the petitioner dated 26th October, 2004 by the employer. Petitioner replied to the same. It is a case of the petitioner that they came across a Circular dated 22nd December,, 2005, which indicates that they would be barred from participating in any tender of Municipal Corporation of Greater Mumbai in future. In other words, they have been blacklisted. It is pursuant to that, that the present Petition has been filed.

3. A reply has been filed on behalf of the respondents. It is pointed out that the petitioner was issued a show cause notice and was given an opportunity of showing cause. Considering the reply to the show cause, as filed by the petitioner, the order dated 9th September, 2005, came to be passed. In these circumstances, it is pointed out that the principles of natural justice and fairplay have been complied with and consequently, this Court ought not to interfere in the exercise of its extra ordinary jurisdiction.

4. We have heard learned counsel for the parties. The order of 9th September, 2005, refers to reliance being placed on the decision of the Technical Committee. The decision of the Technical Committee was taken between the period 25th December 2004 and 28th December, 2004. That Report was not made available to the petitioner. In other words, a material document which was relied upon by the respondent for blacklisting the petitioner was not made available. In other words, there has been a failure to comply with the principles of natural justice and fairplay. On behalf of the respondent, learned counsel points out that subsequently the said Report has been made available. Considering the above, the Petition can be disposed of by issuing

the following directions:

(i) The order dated 9th September, 2005, is quashed and set aside and all consequential directions issued pursuant to that.

(ii) The petitioners will file a reply to the show cause notice in addition to what was already filed, within a period of six weeks from today.

(iii) On receiving the reply, the competent authority to dispose of the same within a period of four weeks thereafter.

5. Rule made absolute accordingly. There shall be no order as to costs.

Sd/-
[F.I. REBELLO, J.]

Sd/-
[ANOOP V. MOHTA, J.]